

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41667 of 2022

Arising Out of PS. Case No.-10 Year-2022 Thana- CHIKSAUR District- Nalanda

1. RAJESH KUMAR S/o Late Mahesh Pd. Resident of Kharjama, P.S.- Hilsa, Distt.- Nalanda
2. Dhiraj Kumar S/o Pintu Pd. Resident of Chak Mahaddipur, P.S.- Chiksaura, Distt.- Nalanda
3. Bajrangi Pd. S/o Jitendra Pd. Resident of Chakmahaddipur, P.S.- Chiksaura, Distt.- Nalanda

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Mohan

For the Opposite Party/s : Mr. Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-11-2022 Heard learned counsel for the petitioners and
learned APP for the State through virtual Court proceedings.

Learned counsel for the petitioners undertakes to remove the defects within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

Learned counsel for the petitioners seeks permission to withdraw this application in respect of petitioner no.3, submitting that during pendency of this application petitioner no.3 has been apprehended by the police.

Permission is granted.



Accordingly, this application is dismissed as withdrawn in respect of petitioner no.3 only.

Now this application survives for petitioner nos.1 and 2.

Learned counsel for the petitioners undertakes to remove the defects within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2018.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from the conscious physical possession of the petitioners rather 32.500 liters of country made liquor is said to have been recovered from the bank of Bhutahi river. They have no concern with the seized liquor. They have no concern either with the seized liquor or the place of recovery or any trade of liquor. They have been falsely implicated in this case at the instance of their enemy. There is violation of Section 100 Cr.P.C. Petitioners have no criminal antecedent as mentioned in para-3 of this application.



Petitioners are agreed to deposit a sum of Rs.25,000.00 (Rupees Twenty Five Thousand) **each** in the account of Member Secretary, Bihar State Legal Services Authority, bearing Account No.0380000100252472, IFS Code: PUNB0038000, Punjab National Bank.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Chick-Saura P.S. Case No.10 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., subject to the further conditions that

(1) One of the bailors will be their own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioners shall not indulge themselves in any similar offence till conclusion of the trial.

The bail bond of the petitioners shall be accepted by



the learned Court below on showing receipt of deposit of the
aforesaid amount in the account of Member Secretary, Bihar
State Legal Services Authority.

(Anjani Kumar Sharan, J)

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